

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.27498 of 2005

Date:26.12.2005

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Y.Satish Mallik

-----PETITIONER

The Government of A.P. others.

-----RESPONDENTS

ORDER:

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The petitioner was initially appointed as a Night Watchman on a consolidated pay of Rs.1,000/- per month on 11.12.2000 in Sreekalahastheeswara Swamy Devasthanam, the third respondent herein. Subsequently, the then Commissioner of Endowments accorded permission for appointment of the petitioner, on a regular basis, as Junior Assistant by creating a super-numerated vacancy through proceedings, dated 07.05.2005. In turn, the Devasthanam appointed the petitioner in a pay scale on 26.05.2005.

The Government of Andhra Pradesh, the first respondent herein, reviewed the cases of appointments, promotions and regularizations of employees in the Endowments Department during the tenure of a Commissioner. A common order was passed in G.O.Ms.No.1422, Revenue (Endowments. I) Department, dated 25.07.2005, setting aside all such appointments. The appointment of the petitioner as L.D.C. was also covered by the said G.O.

In a Batch of writ petitions filed against G.O.Ms.No.1422, this Court took the view that the first respondent was under obligation to issue notices to the affected parties, before exercising its power under Section 93 of A.P. Charitable & Hindu Religious Institutions and Endowments Act. The petitioner submitted a representation, directly to the first respondent narrating his grievance. Thereupon, the first respondent issued a show cause notice, dated 23.11.2005, directing the petitioner, to submit an

explanation, as to why the proceedings of the Commissioner, dated 07.05.2005, shall not be set aside. The petitioner submitted his explanation on 06.12.2005. He challenges the proceedings, dated 17.08.2005, through which, his appointment was cancelled.

Heard the learned counsel for the petitioner, the learned Government Pleader for Endowments and the learned standing counsel for the Devasthanam.

The facts narrated above disclose that the petitioner had submitted a representation to the first respondent pointing out that his name was wrongly included in the Annexure of G.O.Ms.No.1422, dated 25.07.2005. In all fairness, the first respondent issued the show cause notice to the petitioner on 23.11.2005 and the petitioner, in turn, had submitted his explanation on 06.12.2005. At this stage, it is not open to the petitioner to challenge the order of cancellation of his appointment, much less, for this Court to deal with the same. The first respondent is already dealing with number of similar cases and in fact orders have been passed in most of them. The case of the petitioner needs to be considered in the light of the explanation submitted by him.

For the foregoing reasons, the writ petition is disposed of, directing the first respondent to pass appropriate orders in pursuance of the show cause notice dated 23.11.2005, issued by it, within a period of two months from the date of receipt of a copy of this order, duly taking into account the explanation submitted by the petitioner. There shall be no order as to costs.

26.12.2005

Note: Issue C.C. in three days.

(B/o)

kdl

